IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 4159 of 2006
Date of Decision: 19.12.2006

Ved Parkash Sharma ...Appellant

Versus

Sanjay Chopra ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Manohar Lal, Advocate, for the appellant.

HEMANT GUPTA, J.

The defendant is in second appeal aggrieved against the judgment and decree passed by the learned first Appellate Court, whereby the defendant was restrained from interfering and damaging the shop in question and directed to remain bound by the undertaking already given by him that he will not cause any damage to the premises.

The only argument of the learned counsel for the appellant is based on apprehension that by virtue of the decree passed, the plaintiff is likely to claim that the door of the staircase shall not be closed by the defendant. However, I do not find that any such inference can be drawn by the judgment and decree passed by the learned first Appellate Court. The plaintiff has been found to be a tenant in the shop portion and it has been found that he cannot be evicted without adopting lawful process. The appellant is not disputing the undertaking given that he will not cause damage to the building. In the decree there is no reference to the door of the stair case. Therefore, I do not find that the apprehension expressed by the

appellant has any reasonable basis.

I do not find any patent illegality or material irregularity in the findings recorded by the learned first Appellate Court, which may give rise to any substantial question of law for consideration in the present appeal.

Hence, the present appeal is dismissed.

19-12-2006 (HEMANT GUPTA)
ds JUDGE